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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

TIFFANY NORRIS,

Plaintiff,

v.

GC SERVICES, LP; and DOES 1 to 10,
inclusive,

Defendant.

Case No.

**COMPLAINT FOR VIOLATIONS OF
THE FAIR DEBT COLLECTION
PRACTICES ACT (“FDCPA”),
WASHINGTON COLLECTION
AGENCY ACT (“WCAA”) AND
WASHINGTON CONSUMER
PROTECTION ACT (“WCPA”)**

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

1. This is an action brought by Plaintiff, Tiffany Norris, (hereinafter “Plaintiff”), an individual consumer, for actual and statutory damages, for injunctive relief to prevent further harm to Plaintiff and to prevent future harm to other Washington consumers and debtors and to prevent Defendant, GC Services, LP’s future violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), violations of the Washington Collection Agency Act, RCW 19.16 *et seq.* (hereinafter “WCAA”) and violation of the Washington Consumer Protection Act (hereinafter “WCPA”), RCW 19.86 *et seq.*

1 2. Plaintiff is Tiffany Norris, an adult individual whose principal residence is in Spokane
2 County, in the state of Washington.

3 3. Defendants are the following:

4 a. Upon information and belief, Defendant, GC Services, LP, is a limited
5 partnership engaged in the business of collecting debt in this state and in several
6 other states, with its principal place of business located in Houston, Texas. The
7 principal purpose of Defendant is the collection of debts in this state and several
8 other states, and Defendant regularly attempts to collect debts alleged to be due
9 another. Defendant GC Services, LP is a “collection agency” or an “out-of-state
10 collection agency” as defined by RCW § 19.16.100.

11 b. John Does 1-10, individuals or business entities whose identities are not known
12 to Plaintiff at this time, but which will become known upon proper discovery. It
13 is believed and averred that such Does played a substantial role in the
14 commission of the acts described in this complaint.

15 JURISDICTION AND VENUE

16 4. The previous paragraphs of this complaint are incorporated by reference and made a part
17 hereof.

18 5. Jurisdiction of this court arises under 15 U.S.C. §1692k(d), 28 U.S.C. § 1337, 28 U.S.C.
19 § 1331, and/or 28 U.S.C. § 1367.

20 6. Venue is proper in this jurisdiction because Defendants transact business in this
21 jurisdiction and availed themselves of the benefits of the market in this jurisdiction.

22 7. Venue is proper in this jurisdiction because the conduct complained of occurred in this
23 jurisdiction.

FACTUAL ALLEGATIONS

8. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

9. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, threatened to take Plaintiff to court and garnish Plaintiff's wages when Plaintiff did not intend to do so.

10. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, threatened to take Plaintiff to court and garnished Plaintiff's wages when Plaintiff did not have the legal ability to do so.

11. Within one (1) year preceding the date of this Complaint, Defendant constantly and continuously called Plaintiff at 541-282-3574 in an attempt to collect an alleged debt, and has succeeded in annoying and harassing her.

12. Defendant is a debt collection company and as a debt collection company attempting to collect on an alleged debt, Defendant can only refer the matter back to the creditor with a recommendation that the original creditor attempt legal proceedings.

13. The representations made to Plaintiff by Defendant regarding legal proceedings were false.

14. The natural consequences of Defendant's statements and actions were to unjustly condemn and vilify Plaintiff for his non-payment of the debt he allegedly owed.

15. The natural consequences of Defendant's statements and actions were to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

1 16. The natural consequences of Defendant's statements and actions were to cause Plaintiff
2 mental distress.

3 17. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged
4 debt, by lying to and misleading Plaintiff.
5

6 **COUNT ONE: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**
7 **15 U.S.C. § 1692**

8 18. The previous paragraphs of this complaint are incorporated by reference and made a part
9 of this action.

10 19. Plaintiff is a consumer as defined by the Fair Debt Collections Practices Act (FDCPA),
11 15 U.S.C. 1692 et. seq.
12

13 20. At all relevant times in this Complaint, Defendants were acting as debt collectors as
14 defined by the FDCPA, 15 U.S.C. § 1692a(6).
15

16 21. At all times mentioned herein, Defendants were attempting to collect on an alleged
17 consumer debt against Plaintiff.

18 22. Defendant violated the FDCPA. Defendant's violations include, but are not limited to,
19 the following:
20

21 a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural
22 consequences of which is to harass, oppress, or abuse any person in connection
23 with the collection of an alleged debt; and
24

25 b. Defendant violated §1692d(2) of the FDCPA by using obscene or profane
26 language or language the natural consequences of which is to abuse the hearer or
27 reader in connection with the collection of an alleged debt; and
28

29 c. Defendant violated §1692d(5) of the FDCPA by constantly and continuously
30 calling Plaintiff with the intent to harass her;

- 1 d. Defendant violated §1692e of the FDCPA by using a false, deceptive, or
2 misleading representation or means in connection with the collection of the
3 alleged debt; and
4
5 e. Defendant violated §1692e(4) of the FDCPA by giving the false representation or
6 implication that nonpayment of the alleged debt will result in the garnishment of
7 wages of any person when such action is unlawful and the Defendant does not
8 intend to take such action; and
9
10 f. Defendant violated §1692e(5) of the FDCPA by threatening to take action that
11 the Defendant does not intend to take and/or the Defendant cannot legally take;
12 and
13
14 g. Defendant violated §1692e(10) of the FDCPA by using false representation or
15 deceptive means in connection with the collection the alleged debt; and
16
17 h. Defendant violated §1692f of the FDCPA by using unfair or unconscionable
18 means in connection with the collection of an alleged debt.

19 23. Defendant's acts as described above were done intentionally with the purpose of
20 coercing Plaintiff to pay the alleged debt.
21

22 24. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff,
23 Tiffany Norris, for actual damages, statutory damages, and costs and attorney fees.

24 **COUNT TWO: VIOLATION OF THE WASHINGTON STATE COLLECTION**
25 **AGENCY ACT AND WASHINGTON CONSUMER PROTECTION ACT**
26

27 25. The previous paragraphs of this complaint are incorporated by reference and made a part
28 of this action.
29

30 26. Defendant violated the WCAA, RCW 19.16 *et seq.* in the following ways:

(a) Defendant violated RCW 19.16.250(8) by failing to disclose all information required; and

(b) Defendant violated RCW 19.16.250(13) by communicating with the Plaintiff in such a manner as to harass, intimidate, threaten, and/or embarrass Plaintiff; and

(c) Defendant violated RCW 19.16.250(16) by threatening to take legal action against the debtor which Defendant could not legally take at the time; and

27. Defendant's acts as described above were done intentionally with the purpose of coercing plaintiff to pay the alleged debt.

28. Defendant has engaged in an act or practice prohibited by RCW 19.16.250 which are unfair acts or practices or unfair methods of competition in the course of trade or commerce for the purpose of the application of the WCPA, Chapter 19.86 RCW.

29. As a result of the foregoing violations of the WCAA and WCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, treble damages, and costs and attorney fees.

WHEREFORE, Plaintiff Tiffany Norris respectfully requests that judgment be entered against Defendant, GC Services, LP, for the following:

A. An injunction preventing Defendants from ever again threatening to garnish Plaintiff's wages or bank account where Defendants have no legal right or standing to do so, pursuant to RCW 19.16.250, RCW 19.16.440 and RCW 19.86.090.

B. An injunction preventing Defendants from ever again threatening to garnish the wages or bank account of any Washington debtor or consumer where Defendants have no legal right or standing to do so, pursuant to RCW 19.16.250, RCW 19.86.440 and RCW 19.86.090.

1 C. An injunction preventing Defendant, the owner of the underlying alleged debt, and any
2 other person who may hereafter legally seek to collect on the underlying claim from ever
3 being allowed to recover any interest, service charge, attorneys' fees, collection costs,
4 delinquency charge, or any other fees or charges otherwise legally chargeable to the
5 debtor on such claim, pursuant to RCW 19.16.250, RCW 19.16.440, RCW 19.16.450,
6 and RCW 19.86.090.

8 D. Actual damages pursuant to 15 U.S.C. § 1692k, RCW 19.16 *et seq.* and/or RCW 19.86
9 *et seq.*

11 E. Statutory damages pursuant to 15 U.S.C. § 1692k, RCW 19.16 *et seq.* and/or RCW
12 19.86 *et seq.*

14 F. Treble damages pursuant to RCW 19.86 *et seq.*

15 G. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k, RCW 19.16 *et seq.*
16 and/or RCW 19.86 *et seq.*

18 H. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed
19 under the law.

20 I. For such other and further relief as the Court may deem just and proper.

21 **DEMAND FOR JURY TRIAL**

22 Please take notice that Plaintiff, Tiffany Norris, demands trial by jury in this action.

24 DATED: July 9, 2014

SHARON D. COUSINEAU

26 /s/ SHARON D. COUSINEAU

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